

**REMARKS**

The Official Action dated November 19, 2004, has been carefully reviewed and the foregoing amendment has been made in response thereto. Prior to entry of the foregoing amendment claims 1-5, 7-13 and 15-24 were active in the present application. Claims 1-5 and 7-12 stand rejected under 35 U.S.C. §101 for failing to recite a limitation in the technological arts. Claims 1-5, 7-13 and 15-24 stand rejected under 35 U.S.C. §102(e) as being unpatentable over Gardenswartz et al. (U.S. Patent No. 6,298,330).

The foregoing amendment requests the cancellation of claims 11, 12 and 19. Claims 1, 5, 8, 9, 13, 18 and 21 have been amended to more clearly describe the recited invention. Claims 1-5, 7-10, 13, 15-18 and 20-24 remain active in the present application.

Rejection of claims 1-5 and 7-10 under 35 U.S.C. §101

It is believed that rejections of claims 1 and 8 under 35 U.S.C. §101 have been overcome by the amendments to independent claims 1 and 8. Each one of independent claims 1 and 8 has been amended to recite a limitation in the technical arts. The rejections of claims 2-5 and 7, which depend from claim 1, and claims 9 and 10, which depend from claim 8, under 35 U.S.C. §101, are also believed to be overcome by the amendments to claims 1 and 8.

Rejection of claims 1-5, 7-10, 13, 15-18 and 20-24 under 35 U.S.C. §102(e)

The present invention, as recited in amended method claim 1, includes the steps of (1) storing historical interaction data between a consumer and a business in a computerized, network accessible historical interaction database, the historical interaction data regarding previous interactions between the business and the consumer; (2) receiving a communication from the consumer during a current

interaction between the business and the consumer through a device to identify interaction data associated with a previous interaction between the business and the consumer which is relevant to said current interaction; and (3) accessing said historical interaction database in accordance with the received communication to obtain said identified interaction data thereby providing a context for the current interaction between the business and the consumer.

It is significant to note that the communication received from the consumer functions to identify interaction data associated with a previous interaction between the business and the consumer *which is relevant to said current interaction* and thereby *provides a context for the current interaction*.

The system described in Gardenswartz et al. provides advertisements to an on-line consumer, however, these advertisements are not provided to the consumer due to any relevancy to a current interaction with the consumer. These advertisements are associated with the consumer's offline purchase history, which is independent of the current interaction with the consumer.

It should also be noted that the invention recited in claim 1 relates a current interaction between a business and a consumer to a prior interaction between the same business and same consumer. It is not seen that the offline purchase history of a consumer or the targeted advertisements provided to the consumer disclosed in Gardenswartz et al. associate a particular business with the consumer, and more particularly, that the offline purchase history or targeted advertisements have any association at all with a particular business engaged in a current interaction with the consumer.

Accordingly, it is believed that claim 1, as amended, recites an invention which is patentable over the cited reference to gardenswartz et al.

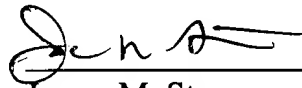
As each one of amended claims 8, 13, 18 and 21, the remaining independent claims in the present application, includes limitations similar to those

recited above in the discussion of claim 1, it is believed that each of these claims is also patentable over the cited reference to Gardenswartz et al.

The remaining claims in the present application each depend from one of the independent claims identified above and are accordingly also believed patentable over Gardenswartz et al.

In view of the foregoing amendments and remarks, it is believed that the present application, including claims 1-5, 7-10, 13, 15-18 and 20-24, as amended, is in condition for allowance. Early and favorable action is respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "J. M. Stover", is written over a horizontal line.

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